

**TOWN COUNCIL  
REGULAR MEETING  
AUGUST 19, 1998**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:01 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present were Mayor Venis, Vice-Mayor Cox and Councilmembers Bush, Paul and Weiner. Also present were Town Administrator Rawls, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting.

**3. PRESENTATIONS**

**3.1 Police Explorers**

Chief of Police Jack Mackie introduced Officers Wayne Boulrier and Kristie Saikley. He advised that Officer Boulrier had been named as Broward County Explorer Advisor of the Year and was in contention for the State Advisor of the Year.

Officer Boulrier introduced Civilian Advisor John Yoder, Explorer Lieutenant Scott Yoder, Explorer of the Year James Brucken, Mike Hominick, Mike Silver, Explorer Sergeant Jose Velez, Brian Dodge and Mike McGee. Officer Boulrier advised that the Explorers attended the National Explorer Conference and explained that the Explorers participated in competitions against 4,000 other Explorers. He stated that Explorer Team A finished ninth in White Collar Crime and Team B finished sixth in Domestic Violence Intervention. Officer Boulrier advised that Sergeant Velez was the National Biking Champion and added that Sergeant Velez also beat the instructors who established the course.

Councilmember Paul congratulated Officers Boulrier and Saikley and presented Officer Boulrier with a director's chair on behalf of the Explorer's parents. Mayor Venis presented a plaque to Officer Saikley on behalf of the Town. Mr. Yoder presented Councilmember Paul with a miniature bat signed by the Explorers.

**3.2 Stephanie Hampshire, State of Florida Top Ranked Tennis Player in Her Age Group**

Mayor Venis presented a trophy to Miss Hampshire for her grudge match against him.

**3.3 Ronald Batterson, Police Officer - Five Years**

Mayor Venis presented a service award to Officer Batterson later in the meeting.

**3.4 Robert Caffarelli, Police Officer - Five Years**

Mayor Venis presented a service award to Officer Caffarelli.

**3.5 James Vining, Maintenance Technician I - Five Years**

Mayor Venis presented a service award to Mr. Vining.

**3.6 Scott Kiso, Police Officer - Ten Years**

Mayor Venis presented a service award to Officer Kiso later in the meeting.

**3.7 Thomas Reifsnnyder, Fire Lieutenant - Ten Years**

Lieutenant Reifsnnyder was not present.

**3.8 Patricia Watson, Police Service Aide Supervisor - Twenty Years**

Mayor Venis presented a service award to Ms. Watson.

**3.9 Paramedic/Firefighter Training Status Report**

EMS Coordinator Jose Rivero updated Council on the status of training and added that the Fire Department was

"on-line for October 5."

Vice-Mayor Cox questioned how many individuals were involved in the training with Mr. Rivero responding that all the 21 paramedics rotated through each unit. Councilmember Weiner stated that 3 paramedics were near to completing their paramedic training and questioned their status. Mr. Rivero replied that these individuals would be taking their State exam in two to four weeks. He added that the Town had hired 2 paramedics which would total 26 paramedics.

### 3.10 Upcoming Special Events - Bonnie Stafiej and Sharon Pierce-Kent

Bonnie Stafiej, Special Projects Coordinator, advised that upcoming events included: 5 Star Rodeo (August 21st - 22nd); Back to School Health Fair at Ehlinger Apartments (August 29th); Florida Junior Rodeo Championship (August 29th - 30th); Labor Day Family Splash (September 7th); and registration for the 17th Annual September Craft Show.

Sharon Pierce-Kent, Community Services Director, announced that upcoming events included: basketball league award ceremonies (August 20th); girl's softball registration (September 1st deadline); and children's programs at Eastside Community Hall and Orange Park (Monday - Friday)

## 4. OCCUPATIONAL LICENSES

### *Home Occupational Licenses*

#### 4.1 B & D Lights & Rigs Inc., 11700 SW 20 Street

This item was tabled later in the meeting [at the request of the applicant].

#### 4.2 Bottom Line Images, Inc., 3161 SW 117 Avenue

The applicant was not present.

#### 4.3 Clean & Tidy, 4250 SW 102 Avenue

Steve Vigue, the applicant, was present. He confirmed that the request was for mail and phone use only.

Vice-Mayor Cox made a motion, seconded by Councilmember Bush to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - out of room. (Motion carried 4-0; later in the meeting Councilmember Weiner indicated his approval of this item.)

#### 4.4 Creative Computer Designs, 13240 SW 28 Place

Linda Pourghafari, the applicant, was present. She confirmed that the request was for mail and phone use only. Councilmember Paul made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

#### 4.5 Executive Cleaning Contractor, 4250 SW 102 Avenue

Steve Vigue, the applicant, was present. He confirmed that the request was for mail and phone use only.

Councilmember Paul made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

#### 4.6 Freight Management Systems, Inc., 3291 SW 134 Terrace

Development Services Director Michele Mellgren advised that she was representing William Velzy, the applicant. She indicated that Mr. Velzy had indicated in writing that the license was for mail and phone use only.

Vice-Mayor Cox made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

#### 4.7 Metro Media Marketing, Inc., 14750 SW 23 Street

Betty Bauman, the applicant, was present. She confirmed that the request was for mail and phone use only.

Councilmember Paul made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call vote, the vote was

as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

4.8 White Rose Antiques, 14250 SW 23 Street

This item was tabled later in the meeting [at the request of the applicant].

4.9 Woman Be Wise Soaps, Inc., 1970 SW 115 Avenue

Joan Puma, the applicant, was present. She confirmed that the request was for mail and phone use only.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis advised that items 4.1, 4.8, 9.5, 9.7, 9.9 and 9.10 needed to be tabled to September 2, 1998.

Councilmember Bush made a motion, seconded by Vice-Mayor Cox, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis advised that items 7.3, 9.12 and 9.13 had been withdrawn.

Mayor Venis advised that item 9.6 needed to be tabled to October 7, 1998.

Councilmember Paul made a motion, seconded by Councilmember Weiner, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis advised that item 9.11 needed to be tabled to September 16, 1998.

Councilmember Paul made a motion, seconded by Councilmember Weiner, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

## **5. MAYOR/COUNCILMEMBER COMMENTS**

### **COUNCILMEMBER WEINER**

**FATHER.** Councilmember Weiner stated that August 19th was a special day as it would have been his father's 66th birthday.

**WORKSHOP.** Councilmember Weiner stated that a workshop had been held on the parks issue.

**ELECTION CAMPAIGN VIDEO.** Councilmember Weiner advised that at the last meeting, he had asked that previous Town Administrator Robert Flatley follow up on the investigation of the use of a Fire Department vehicle during the course of the March campaign. He stated that he was concerned if the vehicle had been used, what would have happened if the vehicle had been in an accident. Councilmember Weiner indicated that more information had been brought forward which had changed the investigation.

### **VICE-MAYOR COX**

**RODEO ARENA EVENTS.** Vice-Mayor Cox stated that the Town held its first Hunt Show which was quite an event and advised that another Show would be held in October. She congratulated Ms. Stafiej on her efforts in bringing events to the arena.

**ROBERT FLATLEY.** Vice-Mayor Cox stated that at the last Council meeting, Mr. Flatley had been terminated by a three/two vote. She discussed her disagreements with Mr. Flatley, and indicated it seemed that the individuals who cared most about the Town were summarily "discarded" when their time was over. Vice-Mayor Cox advised of Mr. Flatley's accomplishments and added that Mr. Flatley did not make any decision without Council input.

### **COUNCILMEMBER PAUL**

**HEALTH FAIR.** Councilmember Paul advised that the Health Fair was free to all Town residents.

**AGRARIAN COMMITTEE.** Councilmember Paul stated that the Town was moving forward with the

establishment of the Committee and asked that Council provide her with names of interested individuals. She advised that a meeting was planned for October.

**EVENT.** Councilmember Paul stated that the event sponsored by Davie Junction was great. She congratulated the Fire/Rescue and Police Departments on providing enough manpower. Councilmember Paul stated that she knew that one the Town's merchants had sent a letter of commendation to Chief Mackie on how well the event went.

**THANKS.** Councilmember Paul thanked the quick actions of her neighbors for finding her dog who had escaped. She also thanked the family who had found a parakeet that had been lost by her neighbor.

**INFORMAL MEETINGS.** Councilmember Paul announced that the informal meeting scheduled for September 3rd had been canceled. She invited the Ivanhoe residents to attend the meeting scheduled for September 10th to be held at Western High School.

**SHENANDOAH.** Councilmember Paul indicated that she was happy with the Shenandoah opening and the dedication made by Dennis Rogers.

**CONGRATULATIONS.** Councilmember Paul congratulated the Vista Filare residents for taking over their homeowner's association.

## **COUNCILMEMBER BUSH**

**ROBERT FLATLEY.** Councilmember Bush expressed his appreciation for the job done by Mr. Flatley and had echoed the sentiments made by Vice-Mayor Cox.

**FLORIDA LEAGUE OF CITIES CONFERENCE.** Councilmember Bush stated that the Florida League of Cities held its conference in Miami. He indicated that before the conference began, a golf tournament was held and announced that Mayor Venis took second place.

## **MAYOR VENIS**

**CHARTER SCHOOLS.** Mayor Venis stated that the Miami Herald had printed an article regarding the Town working on a Charter school. He advised that there were several different options that Council needed to review and requested that a workshop meeting be scheduled to be held at the Pembroke Pines Charter School. Mayor Venis advised that the Town could apply for a number of grants for this type of school.

**LIBRARY.** Mayor Venis asked Mr. Rawls to schedule a meeting to review the proposed library agreement. He advised that the Town's library did not depend on Broward County's bond referendum in November.

**CHALLENGE.** Mayor Venis stated that the New Zealand Shooting Challenge at Markham Park would be exciting and indicated that the actual shooting contest would be held in September at Markham Park. He added that a "surprise" challenge might be scheduled for October. Mayor Venis stated that the US Ambassador may be attending a future Council meeting.

**LOEW'S DEVELOPMENT.** Mayor Venis stated that he had met with representatives from Loew's development at Coquina Flats. He indicated that because the development was not in the Town's limits, the Town did not have any input on the site plan. Mayor Venis advised that Loew's had made a number of concessions which he explained and added that Loew's was being a good corporate neighbor.

**BOND ISSUE.** Mayor Venis stated that phase two of Shenandoah Park had been dedicated and he thought phase three was proposed for the upcoming bond issue. He indicated that the bond issue would be for the entire Town. Mayor Venis stated that Council and the Parks and Recreation Advisory Board would be visiting the community to detail the proposed bond issue.

**ARTICLE.** Mayor Venis stated that the Nova Southeastern University Health Professions Division was on the cover of the Design Cost Magazine, however, the article mentioned the wrong city.

## **6. TOWN ADMINISTRATOR'S COMMENTS**

**THANKS.** Mr. Rawls thanked Council for the confidence it showed for placing him in the position of Interim Town Administrator. He also thanked staff for their support and indicated that the Town enjoyed the most professional staff in the County.

## **7. CONSENT AGENDA**

*Minutes*

7.1 July 1, 1998 - Regular Meeting

*Resolutions*

**7.2 FIRE RESCUE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-259 APPROVING A SUBCONTRACT AGREEMENT BETWEEN AMERICAN MEDICAL RESPONSE AND THE TOWN OF DAVIE FOR PROVISION OF EMERGENCY MEDICAL SERVICES; AUTHORIZING THE MAYOR TO EXECUTE THE SUBCONTRACT AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. (tabled from August 5, 1998)

**7.3 CONCESSIONAIRE SERVICES** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH PARKSIDE CONCESSIONS, INC. FOR CONCESSIONAIRE SERVICES AT BAMFORD SPORTS COMPLEX, PINE ISLAND POOL, AND SHENANDOAH PARK. (three-year contract; \$625 monthly revenue to the Town)

**7.4 EDUCATIONAL PROGRAM** - A RESOLUTION OF THE TOWN OF DAVIE, R-98-260 FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO CO-SPONSOR AN ALTERNATIVE TO SUSPENSION PROGRAM ENTITLED JAGUAR EDUCATIONAL TRANSITION (JET) PROGRAM FOR THE PERIOD OF SEPTEMBER 1998, TO JUNE 1999. (Orange Park Community Center)

**7.5 BLOCK GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-261 AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR FUNDS UNDER THE U.S. DEPARTMENT OF JUSTICE LOCAL LAW ENFORCEMENT BLOCK GRANTS PROGRAM FOR \$62,155, AUTHORIZING THE ACCEPTANCE OF SAID FUNDS, ALLOCATING THE REQUIRED MATCH FROM THE LAW ENFORCEMENT TRUST FUNDS, AND AUTHORIZING THE APPROPRIATE TOWN OFFICIALS AND STAFF TO IMPLEMENT SAID GRANT PROGRAM. (COP Program; match of \$6,216 or 10% of cost)

**7.6 PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-262 AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "YOUNG WORLD PLAT", AND PROVIDING AN EFFECTIVE DATE. (DG 8-2-98, 3700 University Drive)

**7.7 AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-263 AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, AND CCD GRIFFIN, LTD., RELATING TO THE ISSUANCE OF BUILDING PERMITS WHILE PLATTING IS IN PROGRESS; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURE TO SAID AGREEMENT. (DG 8-1-98, Bojaco Plat, 7800 Griffin Road)

**7.8 CRA LOAN AMORTIZATION** - A RESOLUTION OF THE TOWN OF DAVIE, R-98-264 FLORIDA, AUTHORIZING A REPAYMENT PLAN FROM THE COMMUNITY REDEVELOPMENT AGENCY ACCOUNTS TO REPAY A LOAN NOT TO EXCEED FOUR HUNDRED THOUSAND DOLLARS FOR ADDITIONAL IMPROVEMENTS TOWARDS THE DAVIE ROAD BEAUTIFICATION PROJECT.

**7.9 GENERAL EMPLOYEES MONEY PURCHASE PLAN** - A RESOLUTION OF THE R-98-265 TOWN OF DAVIE, FLORIDA, CHANGING THE TOWN'S REQUIRED CONTRIBUTION TO THE GENERAL EMPLOYEES PORTION OF THE TOWN OF DAVIE MONEY PURCHASE PLAN; AND PROVIDING AN EFFECTIVE DATE.

**7.10 HOLIDAY SCHEDULE FOR FISCAL YEAR 98-99** - A RESOLUTION OF THE R-98-266 TOWN OF DAVIE, FLORIDA, APPROVING THE HOLIDAYS TO BE OBSERVED BY THE TOWN OF DAVIE FOR FISCAL YEAR 1998-99; AND PROVIDING AN EFFECTIVE DATE.

**7.11 TRAFFICWAYS BEAUTIFICATION** - A RESOLUTION OF THE TOWN OF R-98-267 DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ENTER INTO AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR TRAFFICWAYS BEAUTIFICATION FOR SW 136TH AVENUE AND I-595 WITHIN THE TOWN OF DAVIE AND AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SUCH DOCUMENT.

**7.12 RESOURCE MANAGEMENT PLANS DEVELOPMENT** - A RESOLUTION OF R-98-268 THE TOWN OF DAVIE, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE UNIVERSITY OF FLORIDA, INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES TO PROVIDE PROFESSIONAL SERVICES TO DEVELOP RESOURCE MANAGEMENT PLANS FOR THE ORANGE DRIVE LINEAR PARK AND THE ROBBINS OPEN SPACE PRESERVE; AND PROVIDING AN EFFECTIVE DATE.

*Ordinances - First Reading (Public Hearing to be held September 2, 1998)*

**7.13 VACATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF ROAD RIGHT-OF-WAY FOR SW 48 STREET, WEST OF SW 52 AVENUE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 12-1-98, Nickerson, 5357 SW 48 Street)

**7.14 REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM RM-10 TO RM-16; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 5-1-98, Affordable Landmarks, Inc./Viele, Individually, and Griffin, Sr., 7230 Stirling Road)

Councilmember Weiner asked that item 7.2 be removed from the Consent Agenda.

Town Clerk Reinfeld read the ordinances-first reading by title only. Mayor Venis advised that a public hearing on items 7.13 and 7.14 would be held on September 2, 1998.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

7.2 Councilmember Weiner questioned item 7 as it was his understanding that American Medical Response (AMR) was utilizing the Town's Certificate of Need and the Town was not charging AMR for this use. He indicated that this resolution allowed AMR to charge \$1,500 even though the Town never charged AMR for using the Certificate. Mr. Webber explained that AMR was seeking an indemnification which the Town could not provide. He indicated that it had been determined that AMR could obtain coverage that would include the Town's employees which seemed to be a reasonable expenditure which would resolve the issue. Councilmember Weiner questioned if the Town could veto the insurance if it was found to not be acceptable. Mr. Webber responded that AMR's insurance was only to protect "them" and added that the Town was covered under its own policy. Mr. Rawls advised that the Town would have the opportunity under this agreement, to initiate a full service, on line unit. He indicated that there would be six weeks of on line service with AMR being in the background at Station 38. Mr. Rawls indicated that staff felt that there was the potential for liability exposure for AMR and AMR thought it could secure additional protection for \$1,500. He added that staff anticipated that the Town's operation would begin on August 24th.

Councilmember Weiner questioned the status of the negotiations for the phase in of Station 68. Mr. Rawls advised that "this" was the last step of what staff felt was the phase in and indicated that staff would begin negotiations next week for the actual operations for the upcoming year.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

## **8. SITE PLANS**

8.1 SP 5-2-98, Hometown Buffet @ Tower Shops, 2310 South University Drive (B-3) *Planning and Zoning*

*Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report, the changes in the landscaping plan adding an Oak tree and shrubs, and providing irrigation*

Charles Buckley, representing the petitioner, was present. Michele Mellgren, Director of Development Services, read the planning report.

Mr. Buckley indicated that the petitioner agreed with the planning report. Vice-Mayor Cox explained the recommendations of the Site Plan Committee. Councilmember Bush questioned if there would be some type of egress allowable from the parking to the north onto Nova Drive with Mr. Buckley explaining the traffic flow. Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve subject to the planning report and the recommendations on the planning report. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

## **9. PUBLIC HEARINGS**

Mayor Venis opened the public hearing portion of the meeting.

### *Ordinances - Second and Final Reading*

**9.1 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN CODE BY ADDING CHAPTER 2, ARTICLE IV, ENTITLED "REGISTRATION OF LOBBYISTS", RELATING TO LOBBYING ACTIVITIES IN THE TOWN OF DAVIE; DECLARING THE INTENT AND PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR REGISTRATION AND FILING AN ANNUAL STATEMENT AND REPORT OF LOBBYING ACTIVITIES; PROVIDING CERTAIN EXCEPTIONS; PROHIBITING CERTAIN UTILIZATION OF SUCH ANNUAL STATEMENTS; PROVIDING PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance.

Tom Truex, 4740 SW 72 Avenue, spoke in opposition to the ordinance but thanked Councilmember's Bush and Weiner for bringing this topic up for discussion. He suggested that this ordinance not be approved or be tabled and recommended that an ethics code be adopted.

Michael Davenport, 14041 SW 22 Place, indicated that the registration of lobbyists was honorable, the proposed ordinance was tainted "by attempts to manipulate the intent of the ordinance." He discussed the proposed ordinance and questioned the need for exceptions.

Mayor Venis closed the public hearing.

Councilmember Weiner discussed his reasons for proposing the lobbyist ordinance and indicated that the proposed ordinance no longer provided for disclosure of lobbying, penalties, disclosure of helping a candidate, and investigation by the Town. He indicated that the proposed ordinance "missed the mark" and he could not vote in favor of the ordinance. Councilmember Weiner advised that he had previously voted in favor of this to allow discussion by the public.

Councilmember Paul suggested that any type of lobbyist legislation be accompanied with some type of ethics code and also suggested that there be a one stop process for lobbying legislation. She discussed the proposed ordinance and recommended that the Florida League of Cities Municipal Legislative Guide Book to Lobbying be reviewed. Councilmember Paul stated that she wanted to be able to vote in favor of lobbyist legislation and a strong, reasonable, one-stop process ordinance. She suggested that the ordinance be tabled so that some issues could be addressed.

Councilmember Paul made a motion to table the ordinance so it could be refined.

Mayor Venis questioned if the ordinance was too broad as people who were not lobbyists would be considered lobbyists. Mr. Webber responded that the definition of a lobbyist was Council's decision and agreed that the definition was broad.

Councilmember Weiner stated that the ordinance excluded what he originally was trying to accomplish which was to cover any public official. If the ordinance was to be voted on at tonight's meeting, he recommended that the requirement for home address be removed.

Vice-Mayor Cox indicated that her definition of a lobbyist was a professional lobbyist as they had a motivation for

a client. She indicated that she did know if incorporating an ethics code was "doable" and agreed with Councilmember Weiner on the wording of the penalty. Vice-Mayor Cox agreed with Councilmember Paul on the one stop process and she had no problem with holding a workshop. Mayor Venis stated that the penalty wording needed to be spelled out.

Councilmember Weiner seconded the motion. It was clarified that the ordinance was being tabled to October 7, 1998. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Vice-Mayor Cox questioned if an ad hoc committee should be created for the lobbyist issue. Mayor Venis recommended that Mr. Truex and Mr. Alexander be part of the workshop panel on October 7th. Councilmember Weiner suggested that the residents meet and then provide their suggestions to Town which Mayor Venis agreed with. Councilmember Paul suggested that the residents also discuss an ethics code.

**9.2 CHARTER AMENDMENT REFERENDUM - AN ORDINANCE OF THE TOWN 98-35 OF DAVIE, FLORIDA, AMENDING SECTION 7, SUBSECTION (G) AND SECTION 11 OF THE CHARTER OF THE TOWN OF DAVIE, CONCERNING COUNCIL MEETINGS AND THE FIRE DEPARTMENT; PROVIDING FOR SUBMISSION OF SAME TO THE ELECTORATE AT THE SPECIAL ELECTION TO BE HELD ON NOVEMBER 3, 1998; PROVIDING FOR APPROVED AMENDMENTS TO BE INCORPORATED INTO THE CHARTER OF THE TOWN; AND FOR THE FILING OF THE REVISED CHARTER WITH THE DEPARTMENT OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Mr. Webber explained the ordinance. Regarding the Fire Department, Councilmember Weiner questioned if the proposed change would have any impact on the existing [AMR] contract with Mr. Webber responding negatively. Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

### *Resolution*

**9.3 PARKS AND RECREATION BOND REFERENDUM - A RESOLUTION OF THE R-98-269 TOWN OF DAVIE, FLORIDA, CALLING FOR A REFERENDUM REGARDING THE ISSUANCE OF GENERAL OBLIGATION BONDS BY THE TOWN OF DAVIE IN AN AMOUNT NOT TO EXCEED TWELVE MILLION DOLLARS (\$12,000,000) FOR THE PURPOSE OF PROVIDING FOR RECREATIONAL PROJECTS, PROVIDING FOR IMPROVEMENTS TO EXISTING PARKS, ACQUISITION AND EXPANSION OF RECREATIONAL PARKS AND SPORTS FACILITIES, INCLUDING ATHLETIC FIELDS, PLAYGROUNDS, RECREATIONAL AND COMMUNITY CENTERS AND A MULTI-PURPOSE FACILITY TO ACCOMMODATE ALL AGES INCLUDING CHILDREN, ADULTS AND SENIORS; PROVIDING FOR PUBLICATION OF NOTICE OF SAID REFERENDUM; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the resolution by title.

Mayor Venis asked if anyone wished to speak for or against the resolution.

An unidentified woman [Debbie Apolinario] spoke in favor of the resolution.

Lisa Edmondson spoke in favor of the resolution.

Gail Ling spoke in favor of the resolution.

Mayor Venis closed the public hearing.

Councilmember Weiner questioned staff's opinion on a November ballot versus a spring ballot. Ms. Pierce-Kent responded that in speaking with staff from other cities, eight months was the average in providing the information to the public. Councilmember Paul stated that a spring ballot would require a special election which would involve an additional cost. Town Clerk Reinfeld advised that should Broward County not have an election in March, a special election would cost approximately \$25,000.



Councilmember Paul made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

#### *Vacation/Abandonment*

9.4 **VACATION** - VA 6-1-98, BMS of Broward, Inc., 15701 SW 41 Street (to vacate a 15 by 15 foot utility easement located on Parcel F of the I.C.W. Plat) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

Greg Harnisch, representing the petitioner, was present. Ms. Mellgren summarized the planning report.

Mayor Venis asked if anyone wished to speak for or against the vacation/abandonment. As no one spoke, the public hearing was closed.

Councilmember Paul made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

#### *Quasi Judicial Items*

9.5 **REZONING** - ZB 5-3-98, Investor Financial Corporation/Brenner, 5805 Davie Road (B-2 and R-2) (from B-2 and R-2 to RM-10) *Planning and Zoning Division recommended denial; Planning and Zoning Board recommended denial*

This item was tabled earlier in the meeting.

9.6 **VARIANCE** - V 6-3-98, Gonzalez/Martinez, 4190 SW 61 Avenue (RM-16) (to reduce the required number of parking spaces from 306 to 256 parking spaces) (tabled from August 5, 1998) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the planning report*

This item was tabled earlier in the meeting.

9.7 **VARIANCE** - V 6-4-98, Investor Financial Corporation/Brenner, 5805 Davie Road (B-2 and R-2) (to reduce the minimum required street side yard from 25 feet to 13 feet; to reduce the minimum required front yard of 25 feet to 22 feet; to reduce the minimum rear yard from 25 feet to 20 feet; and to reduce the minimum separation between buildings from 20 feet to 15 feet between buildings) *Planning and Zoning Division recommended denial; Planning and Zoning Board recommended denial*

This item was tabled earlier in the meeting.

9.8 **SPECIAL PERMIT** - SE 5-1-98, Nextel Communications, Inc./Shurgard Institutional Fund, L.P., 250 SW 136 Avenue (B-3) (to locate a telecommunication device in the B-3 District) (Town Council tabled from August 5, 1998) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval to the planning report so long as the special permit for the billboard remains in full force and effect and, should the special permit for the billboard be revoked, rescinded, and/or terminated, this special permit would also be revoked, rescinded, and/or terminated at the same time*

Mr. Webber advised that the public hearing had previously been concluded and at the time the item was tabled, Council was in the process of deliberating. He indicated that a public hearing was not necessary unless Council wished to accept new evidence. Ms. Mellgren reminded Council of the reasons for the two tablings.

Alan Gabriel, representing the petitioner, advised that the petitioner was proposing that the existing diameter's extension piece be reduced from 42 inches to 30 inches.

Mr. Webber suggested that the hearing be reopened for purposes of receiving new evidence. Town Clerk Reinfeld swore in the witnesses.

Mr. Gabriel provided three photographs which he explained and a letter from the petitioner's engineer dated August 18th addressed to Terry Thomas. He stated that the letter identified the change which allowed the petitioner to still comply with "our" local building codes.

Mr. Webber asked if anyone wished to provide testimony on the special permit.

The following individuals spoke:

Dean Alexander, 13820 SW 16 Street, was not aware if Mayor Venis' previous comments regarding a tapered pole had been answered.

Gail Ling, 14641 Vista Verdi Road, spoke in opposition.

Dudley Jones, 13140 SW 7 Place, discussed his concerns with the location and appearance.

Debbie Apolinario, 14650 SW 29 Place, was sworn in and discussed the appearance. She questioned the monthly revenue and wondered why the towers could not be placed on Town property.

Council discussed its concerns with the proposed location. Mr. Gabriel indicated that if this location was not approved, he would most likely go to the property next door. Ms. Mellgren indicated that if the property next door had a B-3 zoning, the request would need to come before Council for a special permit and may need a rezoning from B-3 to B-3 to amend the conceptual master plan, however, she would need to verify this. She added that she was 95% sure that the property owner offered deed restrictions and telecommunication facilities and television and radio antennae were deed restricted out on the property; however, she would need to review the restrictions.

Councilmember Paul questioned if the Town was legally obligated to accept the proposed site if Council and the residents felt that it was not in the Town's best interest. Mr. Webber responded that he did not know if Council was legally obligated to accept the site but Council was severely restricted in the restrictions that could be placed on the site. He added that there was federal legislation which protected the placement of towers to put a system in tact; however, the Town was entitled to certain regulatory powers.

Mr. Gabriel advised that a portion of the billboard advertisement revenues would be provided to the EASE Foundation along with the petitioner voluntarily agreeing to a contribution of \$250 per month with increased after ever five years.

Johnnie Duncum, 210 Vista Forenza Way, spoke in opposition.

Joy Yoder, 12610 SW 13 Manor, spoke in opposition.

Mr. Webber stated that the hearing was concluded.

Councilmember Paul stated that she agreed with the residents' concerns and advised that she had spoken to Mr. Jones, Ms. Apolinario and Ms. Ling.

Councilmember Weiner asked how it would be viewed if Council placed restrictions on the placement of towers.

Mr. Webber explained that should the request be denied, the denial would have to be based on evidence that was presented at this hearing. He stated that the Town had evidence from the Town's expert as to the appropriateness of this location which was part of the record. Councilmember Weiner advised that he explained why he thought this was an appropriate location and added that revenue was being gained for a charitable organization.

Mayor Venis indicated that he was uncomfortable with locating towers on top of a billboard and he was not in favor of the request.

Councilmember Bush stated that his concern was that the pole would be 100 feet plus the antennae and he did not particularly want to see this. He indicated it was practical to utilize what was there now and he was in favor of the request.

By approving this request, Vice-Mayor Cox questioned if Council gave tacit approval to an antennae being placed on any other billboard in Town. Mr. Webber replied that a precedent would be established and indicated that Council could not deny a request solely because an antennae was being placed on a billboard.

Councilmember Bush made a motion, seconded by Councilmember Weiner, to approve. In a roll call, the vote was as follows: Mayor Venis - no; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - no; and Councilmember Weiner - yes. (Motion carried 3-2) **(This motion was clarified later in the meeting.)**

*Items to be tabled*

STAFF REQUESTING TABLING TO SEPTEMBER 2, 1998

9.9 PUBLIC HEARING - LA(TXT)-98-1-E, Amending the text to the Town of Davie Comprehensive Plan  
This item was tabled earlier in the meeting.

STAFF REQUESTING TABLING TO SEPTEMBER 2, 1998

9.10 PUBLIC HEARING - ZB(TXT)-1-1-98, Amending the text to the Town of Davie Land Development Regulations

This item was tabled earlier in the meeting.

PLANNING AND ZONING BOARD TABLED TO AUGUST 26, 1998; COUNCIL

CAN TABLE TO SEPTEMBER 16, 1998

9.11 VARIANCE - V 4-1-98, Avid Engineering, Inc./Poinciana Homes of Broward, Inc., 13601 Shenandoah Parkway (tabled from July 15, 1998)

This item was tabled earlier in the meeting.

*Items to be withdrawn*

STAFF WITHDRAWING ORDINANCE (to be rescheduled for first public hearing on September 2, 1998 and second public hearing on 9/16/98)

*Ordinances - Second and Final Reading*

9.12 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION ZB(TXT)-1-1-98, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, CHAPTER 12, LAND DEVELOPMENT CODE, SECTION 12-32 ENTITLED, "TABLE OF PERMITTED USES," SUBSECTION (A) "RESIDENTIAL DISTRICTS," TO ELIMINATE REFERENCES TO SPECIFIC TYPES OF SPECIAL RESIDENTIAL FACILITIES AND "SUBDIVISION FACILITIES," TO PERMIT "SPECIAL RESIDENTIAL FACILITY" IN ALL RESIDENTIAL ZONING DISTRICTS EXCEPT THE "MH" DISTRICTS SUBJECT TO DETAILED USE REGULATIONS CONTAINED IN SECTION 12-34; AMENDING SUBSECTION (B) "COMMERCIAL, OFFICE AND BUSINESS DISTRICTS" TO PROHIBIT "SPECIAL RESIDENTIAL FACILITIES" IN THE "SC," "B-1," "WT," "B-2," "UC," AND "B-3" DISTRICTS; AMENDING SUBSECTION (D) "RECREATIONAL, COMMUNITY FACILITIES AND UTILITIES DISTRICTS," TO REPLACE REFERENCES TO SPECIFIC RESIDENTIAL FACILITIES WITH THE CATEGORICAL REFERENCE, "SPECIAL RESIDENTIAL FACILITY" AND PERMITTING "SPECIAL RESIDENTIAL FACILITY" IN THE "NCF," "CF" AND "PCF" DISTRICTS; DELETING SECTION 12-34 ENTITLED, "DETAILED USE REGULATIONS," SUBSECTION (Z) "SPECIAL RESIDENTIAL FACILITIES," IN ITS ENTIRETY; ADDING SUBSECTION 12-34(Z)(1), (2) AND (3) PROVIDING FOR THREE CATEGORIES OF SPECIAL RESIDENTIAL FACILITIES AND MAXIMUM DENSITY; ADDING SUBSECTION 12-34(Z)(4) PROVIDING FOR MINIMUM DISTANCE SEPARATIONS; ADDING SUBSECTION 12-34(Z)(5) REQUIRING PROOF OF LICENSING BY THE FLORIDA DEPARTMENT OF CHILDREN AND FAMILY SERVICES; AMENDING SECTION 12-503 ENTITLED, "DEFINITIONS," TO ELIMINATE CERTAIN DEFINITIONS RELATING TO SPECIAL RESIDENTIAL FACILITIES AND ADD NEW DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from August 5, 1998)

This item was withdrawn.

STAFF WITHDRAWING ORDINANCE (to be rescheduled for first public hearing on September 2, 1998 and second public hearing on 9/16/98)

9.13 COMPREHENSIVE PLAN AMENDMENT APPLICATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION LA(TXT)-98-1E, AMENDING THE FUTURE LAND USE ELEMENT OF THE TOWN OF DAVIE COMPREHENSIVE PLAN BY REVISING PROVISIONS GOVERNING SPECIAL RESIDENTIAL FACILITIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from August 5, 1998)

This item was withdrawn.

Later in the meeting, Mayor Venis closed the public hearing portion of the meeting.

**10. ORDINANCES - FIRST READING (Public hearing to held on September 2, 1998)**

10.1 VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF UTILITY EASEMENT LOCATED WITHIN PARCEL F OF THE I.C.W. PLAT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 6-1-98, BMS of Broward, Inc., 15701 SW 41 Street)

Town Clerk Reinfeld read the ordinance-first reading by title only. Mayor Venis advised that a public hearing on this item would be held on September 2, 1998.

Vice-Mayor Cox made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

## **11. APPOINTMENTS**

11.1 Budget Advisory Committee (Vice-Mayor Cox - one exclusive appointment; term expires December 1998)  
Councilmember Weiner indicated that he wanted to replace his appointment of John Pisula with Dan Barr.  
Vice-Mayor Cox appointed Mr. Pisula.

11.2 Child Safety Board (Mayor Venis - one exclusive appointment; Councilmember Bush - two exclusive appointments; term August 1998 to July 1999)  
Mayor Venis appointed Jerilyn O'Neal. Councilmember Bush deferred his appointments.

9.8 Councilmember Weiner asked for a clarification on the motion for item 9.8.  
Councilmember Bush clarified his motion to be subject to the planning report. Mr. Gabriel advised that the extension would not exceed 30 inches in diameter and he was in agreement with the clarified motion. He added that the petitioner was in agreement with the requests from the Planning and Zoning Board and everything that had been discussed. Mr. Gabriel confirmed that the proposed antennae was very close to what was show in the pictures. There were no objections from the Councilmembers who voted in favor.

11.3 Joint Economic Development Steering Committee (non-exclusive appointments of two Councilmembers; term September 1998 to August 1999)  
Councilmembers Bush and Paul indicated their desire to remain on the Committee. In a voice vote, all voted in favor.

11.4 Open Space Advisory Committee (Councilmember Bush - one exclusive appointment; term August 1998 to July 1999)  
Councilmember Bush deferred his appointment.

11.5 Parks and Recreation Advisory Board (Councilmember Weiner - one exclusive appointment; September 1998 to August 1999)  
Councilmember Weiner appointed Dan Belyeu.

11.6 Unsafe Structures Board (one non-exclusive appointment; appointment shall be an electrical contractor; term expires April 1999)  
This item was deferred with a recommendation that staff determine if an electrical contractor was interested.

## **12. DISCUSSION AND POSSIBLE ACTION - OLD BUSINESS**

There was no old business brought up for discussion.

## **13. NEW BUSINESS**

13.1 Council Review of Procedure for Selection of Town Administrator Position

Mr. Rawls explained the procedure and indicated that Council could make refinements to the request for proposal. Mayor Venis questioned if Council could review resumes of individuals who had been eliminated by a search firm and an explanation as to why they were eliminated. Mr. Rawls responded that this could be done if this was Council's direction.

Vice-Mayor Cox recommended that the Town solicit request for proposals and then have staff narrow the proposals to three search firms. She advised that the search firm could then select the top six individuals with Council interviewing these finalists as she did not want staff involved with the interview process. Councilmember Paul indicated that she would like to review all resumes and she would like to chose the search firm. She advised that she had some questions on the request for proposal and she thought the proposal could be fine tuned. Councilmember Paul stated that the Town was unique and the right type of person was needed to deal with the unique community. Mr. Rawls advised that the search firm could short list the applicants but provide all the applications for Council's review.

Councilmember Weiner stated that he would prefer that a search firm narrow the choices and then review the resumes. He added that the more detached the search firm was from the Town, the better.

Mr. Rawls clarified that Council would provide him with information it would like included in the request for proposal, the proposal would be solicited with firms submitting their proposals, and staff would short list the proposals by the Town's traditional selection process to three recommended firms for Council's interview. He indicated that once a firm was selected, Council would meet with the firm to outline parameters and scope of services. Mr. Rawls requested that changes to the request for proposal be provided to him by August 28th.

Vice-Mayor Cox stated that if Council had a problem with short listing the proposals to three, staff could rank the firms to a selected cut off number, however, she was comfortable with three.

Councilmember Weiner requested that Robert's Rules of Order be adhered to for Council meetings which would lessen the time of the meetings.

#### **14. ADJOURNMENT**

There being no objections or further business, the meeting was adjourned at 10:25 p.m.

